

BOARD OF APPEALS CASE NO. 4914

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BEFORE THE

APPLICANT: Kenneth Uzmed

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ZONING HEARING EXAMINER

**REQUEST: Variance to construct an
accessory structure 50% larger than the
principal structure; 5435 Broadway Road,
White Hall**

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OF HARFORD COUNTY

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Hearing Advertised

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Aegis: 4/21/99 & 4/28/99

HEARING DATE: June 21, 1999

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Record: 4/23/99 & 4/30/99

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ZONING HEARING EXAMINER'S DECISION

The Applicant, Kenneth Uzmed, appeared before the Hearing Examiner requesting a variance to Section 267-26(C)(1) of the Harford County Code, to construct an accessory structure that exceeds 50% of the square footage of the principal structure.

The subject property is located at 5435 Broadway Road in the Fourth Election District. The parcel is identified as Parcel No. 5, in Grid 4-C, on Tax Map 2. The parcel contains 2.21 acres, more or less, all of which is zoned Agricultural.

Mr. Kenneth Uzmed appeared and testified that he is requesting a variance to construct a building more than 50% larger than the existing dwelling. The witness said the existing dwelling contains approximately 1,820 square feet. The witness said there are two old buildings on the property, one with dimensions of 20 feet by 40 feet and the other with dimension of 17 feet by 20 feet. The witness said both of these buildings will be removed from the premises. The witness said the proposed building will have dimensions of 30 feet by 60 feet, for a total of 1,800 square feet. The Applicant said the new building would be used to store parts, contain a shop to do woodworking, and work on old cars as a hobby. The Applicant said that there will not be commercial operations in the building and the building will not be used in a business. The witness said the new building is screened by 25 foot tall pine trees and he did not feel approval of the variance would have an impact on the neighborhood because approval of the variance would allow him to remove two old buildings which are unsightly.

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The witness said denial of the variance would cause an unnecessary hardship because he would be unable to remove the existing buildings and replace them with a building large enough to store the equipment.

No protestants appeared in opposition to the Applicant's request.

CONCLUSION:

The Applicant is requesting a variance to Section 267-26(C)(1) of the Harford County Code, to construct an accessory structure that exceeds 50% of the square footage of habitable space of the principal structure in an Agricultural District. The existing dwelling contains approximately 1,820 square feet, and the proposed accessory structure will have contain 1,800 square feet. The Applicant said that he would remove two existing buildings on the property and that denial of the variance will cause an unnecessary hardship because he would like to remove the two existing accesssory buildings and have sufficient area to store his antique cars and woodworking equipment. No evidence was introduced that approval of the variance would be substantially detrimental to adjacent properties or materially impair the purpose of the Code because none of the Applicant's neighbors appeared and testified in opposition to the request. The Applicant testified that the proposed building will be screened by pine trees which are 25 feet in height.


It is the finding of the Hearing Examiner that denial of the variance would cause an unnecessary hardship for the reasons stated by the Applicant and that approval of the variance will not be substantially detrimental to adjacent properties or materially impair the purpose of the Code. The variance shall be subject to the following conditions:

1. The Applicant shall obtain all necessary permits and inspections for the new accessory building, and any necessary permits for the removal of the existing structures.
2. The building shall not be used in the furtherance of a business.

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3. The building shall not be used for motor vehicle repairs. Repairs shall be limited to vehicles owned by the Applicant.
4. The building shall not be used for the storage of contractors' equipment and/or commercial vehicles.

Date JULY 8, 1999



L. A. Hinderhofer as
Zoning Hearing Examiner